



March 2, 1999

HOUSE BILL No. 1882

DIGEST OF HB 1882 (Updated February 25, 1999 11:47 am - DI 73)

Citations Affected: IC 6-3.1; noncode.

Synopsis: Oil rerefining tax credit. Provides a property tax credit for rerefined lubrication oil facilities. Provides that a taxpayer must request the department of commerce to determine if the taxpayer is entitled to the credit.

Effective: January 1, 2000.

Harris, Wolkins, Buck

January 26, 1999, read first time and referred to Committee on Ways and Means.
March 1, 1999, amended, reported — Do Pass.

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HB 1882—LS 7334/DI 58+



March 2, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1882

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.1-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2000]:

4 **Chapter 20. Rerefined Lubrication Oil Facility Credit**

5 **Sec. 1. As used in this chapter, "pass through entity" means:**

- 6 (1) a corporation that is exempt from the adjusted gross
7 income tax under IC 6-3-2-2.8(2);
8 (2) a partnership;
9 (3) a limited liability company; or
10 (4) a limited liability partnership.

11 **Sec. 2. As used in this chapter, "rerefined lubrication oil" means**
12 **base oil:**

- 13 (1) manufactured from at least ninety-five percent (95%) used
14 oil; and
15 (2) that is not more than two percent (2%) previously unused
16 oil;

17 **by a refining process that effectively removes physical and**

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1 chemical impurities and spent and unspent additives to the extent
2 that the base oil is capable of meeting industry standards for
3 engine oil as defined by API 1509.

4 Sec. 3. As used in this chapter, "state tax liability" means a
5 taxpayer's total tax liability that is incurred under:

- 6 (1) IC 6-2.1 (the gross income tax);
- 7 (2) IC 6-2.5 (state gross retail and use tax);
- 8 (3) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- 9 (4) IC 6-3-8 (the supplemental net income tax);
- 10 (5) IC 6-5-10 (the bank tax);
- 11 (6) IC 6-5-11 (the savings and loan association tax);
- 12 (7) IC 6-5.5 (the financial institutions tax); and
- 13 (8) IC 27-1-18-2 (the insurance premiums tax);

14 as computed after the application of the credits that under
15 IC 6-3.1-1-2 are to be applied before the credit provided by this
16 chapter.

17 Sec. 4. As used in this chapter, "taxpayer" means an individual
18 or entity that has any state tax liability.

19 Sec. 5. Subject to section 8 of this chapter, a person is entitled to
20 a credit against the person's state tax liability in a taxable year for
21 a percentage of the ad valorem property taxes, excluding interest
22 and penalties, paid by the taxpayer in the taxable year for the
23 following:

- 24 (1) Real property on which a facility that processes rerefined
25 lubrication oil is located.
- 26 (2) Personal property used in the processing of rerefined
27 lubrication oil, including personal property used in the
28 transportation of rerefined lubrication oil to and from the
29 processing facility.

30 Sec. 6. The amount of the credit available under section 5 of this
31 chapter is equal to eighty percent (80%) of the ad valorem
32 property taxes, excluding interest and penalties, paid by the
33 taxpayer in the taxable year on the tangible property described in
34 section 5 of this chapter.

35 Sec. 7. If a pass through entity is entitled to a credit under
36 section 5 of this chapter but does not have state tax liability against
37 which the tax credit may be applied, a shareholder, partner, or
38 member of the pass through entity is entitled to a tax credit equal
39 to:

- 40 (1) the tax credit determined for the pass through entity for
41 the taxable year; multiplied by
- 42 (2) the percentage of the pass through entity's distributive



1 income to which the shareholder, partner, or member is
2 entitled.
3 **Sec. 8. To be entitled to a credit under this chapter, a taxpayer**
4 **must request the department of commerce to determine if the**
5 **taxpayer is entitled to the credit under this chapter. A taxpayer**
6 **must make the request to the department of commerce in the**
7 **manner and on forms prescribed by the department of commerce.**
8 SECTION 2. [EFFECTIVE JANUARY 1, 2000] IC 6-3.1-20, as
9 **added by this act, applies to taxable years beginning after**
10 **December 31, 1999.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1882, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JANUARY 1, 2000]".

Page 2, line 19, delete "A" and insert "**Subject to section 8 of this chapter, a**".

Page 3, delete lines 2 through 8, begin a new paragraph and insert:
"**Sec. 8. To be entitled to a credit under this chapter, a taxpayer must request the department of commerce to determine if the taxpayer is entitled to the credit under this chapter. A taxpayer must make the request to the department of commerce in the manner and on forms prescribed by the department of commerce.**".

Page 3, line 11, delete "1998." and insert "**1999.**".

Page 3, delete line 12.

and when so amended that said bill do pass.

(Reference is to HB 1882 as introduced.)

BAUER, Chair

Committee Vote: yeas 20, nays 0.

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